RESNA

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Federal Communications Commission

96-45 FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Comments of the Rehabilitation Engineering and Assistive Technology Society of
North America for the October 10 Workshop Sponsored by the Common Carrier
Bureau and the Schools and Libraries Corporation on Application Forms
CC Docket 96-45

Educational technology plays an important role improving learning for all students.
However, students with disabilities frequently face basic physical and product access
barriers that prevent them from using educational technology to benefit their learning.

The E-rate discounts will benefit schools and allow them to greatly enhance the teaching
and learning environment for their students. As a condition for receiving the benefits of
the discount, we need to take this opportunity to make sure that applicants ensure that the
educational technology they purchase and use in their districts is accessible to all students,
including students with disabilities.

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List A B C D E

Concerns

The Federal laws that govern a public school's obligation to provide accessible technology
for individuals with disabilities all seek to ensure that an individual's disability does not
prevent him or her from participating in the school's educational program. These
responsibilities are found in Section 504 of the *Rehabilitation Act of 1973, as amended*, Title
II of the *Americans with Disabilities Act of 1990* (ADA), and the *Individuals with Disabilities
Education Act Amendments of 1997* (IDEA).

Students with disabilities must have an equal opportunity to participate in and benefit from
a school district's programs and activities. If computer technology is part of a public
school's education program, Section 504 and Title II of the ADA require a school to
provide students with disabilities with accessible computer hardware and software so that
they are not excluded from the education program. If technology is purchased that cannot
be made accessible, it will have to be retrofitted, replaced, or some other adaptation will
have to be made so that students with disabilities can have an equal opportunity to
participate in the education program. Technology should be readily available that can
provide access for individuals with all types of disabilities. Where technology is the "sole

provider" of information or services, for example, an electronic library system or a single station that provides Internet access, it must either be accessible or be able to be made accessible in order to provide students with disabilities with an equal opportunity to participate in the education program.

Additionally, the ADA requires public elementary and a secondary schools to take appropriate steps to ensure that communication with individuals with disabilities are as effective as communication with others. Communication in the context of information technology means the transfer of information through computers, including the resources of the Internet, such as e-mail. Also, a school is required to provide appropriate auxiliary aids and services where necessary to ensure effective communication for individuals with disabilities. They are also required to make reasonable modifications in policies, practices or procedures when the modifications are necessary to avoid discrimination on the basis of disability. When making purchases and when selecting its resources, a school has a duty to solve barriers to information access that the school's purchasing choices create.

The present application form does not require the applicant to demonstrate consideration of equal access to the education program, as specified in the Rehabilitation Act, the ADA, and IDEA. While many school systems are aware of these requirements, many are not. Retrofitting in order to provide access can be costly and denies the student equal access to an educational program.

Suggested Solutions

We suggest that the application forms and application instruction packet under consideration incorporate a clear statement of expectations that technology acquired through universal service discounts meet accessibility requirements of the Rehabilitation Act, IDEA, and ADA.

We also suggest that there be examples in the application packet to assist applicants in completing the form highlight accessible solutions, such as:

- When determining the composition of the group developing the technology plan, include people with disabilities and/or their advocates, special education personnel, and ADA coordinators.

- When planning a computer lab, make sure the physical location of the lab is accessible to students and staff who may use wheelchairs. Thus a computer lab should not be located on the second floor of a building that does not have an elevator.

- When assessing the capacity of a computer technology system, make sure that the system to be used for accommodations has enough memory and processing speed and other features (specialized cards, open ports, etc) to allow for the use of alternate input devices and alternate output options.

RESNA is an interdisciplinary association of people with a common interest in technology and disability. Our purpose is to improve the potential of people with disabilities to achieve their goals through the use of technology. We serve that purpose by promoting research, development, education, advocacy and the provision of technology and by supporting people engaged in these activities.

RESNA and the state projects funded under the *Technology-Related Assistance for Individuals with Disabilities Act of 1988, as amended* (Tech Act) are available to assist in preparing the application documents for the application packet and assist applicants in determining their accessibility needs.

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